FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR.

Writ Petition No. 1995 of 2007
(Smt. Zulekha Begum Murtaza & ors. Vs. The Collector, Nagpur & anr.)

Appeal
Application No.
Writ petition

District :
of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's Orders

Mr. S.S. Voditel, Adv. for the petitioners.
Mrs. T.D. Khade, A.G.P. for respondents.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 5th September, 2007

By this writ petition, the petitioners seek a writ of mandamus directing the respondent nos. 1 and 2 to return the precept under Section 54 of the Civil Procedure Code, reporting its compliance after placing the petitioners in possession of the land allotted to them, as expeditiously as possible and within a period of one month from the receipt of the order of this Court.

This Court had, by an order dated 3/5/2007, asked the learned Assistant Government Pleader to make an enquiry from the respondents about the stage at which the precept was pending and report the same to the Court. The respondent no.2- Tahsildar, Nagpur (Rural) had filed an affidavit-in-reply on 16th July, 2007. An additional affidavit-in-reply was filed by the respondent no.2 on 8/8/2007.

It would be necessary to refer only to paragraph no. 4 of the additional affidavit-in-reply filed by the respondent no.2 on 8th August, 2007, whereby the respondent no.2 submitted that the necessary legal

formalities would be completed for sending back the precept to the Civil Court. In the affidavit-in-reply filed on 16/7/2007 and in the earlier paragraphs of the additional affidavit-in-reply filed on 8/8/2007, it is stated by the respondent no.2 that it was not within the control of the respondent, for the reasons incorporated in the affidavit-in-reply, to send the precept to the Civil Court before the affidavit-in-reply came to be filed.

In view of the statement made by the respondent no.2 in paragraph no.4 of the affidavit-in-reply dated 8/8/2007, nothing would survive in this petition as the respondent no.2 has stated that all the necessary legal formalities would be completed and the precept would be sent back to the Civil Court.

Mrs. Khade, the learned Assistant Government Pleader further submitted that the necessary legal formalities would be completed as early as possible and the precept would be sent back to the Civil Court.

In view of the aforesaid statement in the affidavit-in-reply, and the one made on behalf of the respondents, nothing survives in the petition and the same is disposed of.

JUDGE

RMP